THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO.24821 OF 2004

Between:

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Sunkara Sriramulu

…….Petitioner

Vs.

1.Acharya N.G.Ranga Agricultural University, represented by its Registrar, Rajendranagar, Hyderabad-30 and four others.

……Respondents

Dt.01.09.2005

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O R D E R:

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This writ petition has been filed by S.Sriramulu with a prayer to issue a writ of Mandamus or for an appropriate writ, order or direction, declaring the tender notice vide C.T.No.39/EO/TENDER/TA-1/04-05 dated 07.12.2004 issued by the second respondent-Estate Officer as arbitrary, illegal, null and void.

The petitioner is Class-III Contractor. His grievance is that the two works to be carried out from the funds of the members of Parliament to a tune of RS.5,00,000/- each, have not been published in newspapers as provided under the Andhra Pradesh Public Works Department Code. It is his further grievance that the estimates for works have been purposefully brought down below Rs.5,00,000/- so as to avoid publication of tenders in Newspapers.

Counter affidavit has been filed by respondents 1 to 4. It is stated in the counter affidavit that the Deputy Executive Engineer, Agricultural College, NAIRA, Srikakulam District prepared estimates for the two works to be taken up by the

petitioners, which were approved by 2nd respondent-Estate Officer, A.N.G.R. Agricultural University, who is the Controlling Officer for executing all Engineering works under the control of 1st respondent-A.N.G.R. Agricultural University. Paragraphs 4 and 5 of the counter affidavit need been noted and they are thus:

> "*I submit that, after receipt of the proceedings, the 4th respondent prepared estimates for the above two works to be taken up by the respondents, which was approved by the 2nd respondent who is the controlling officer for executing all Engineering works under the control of 1st respondent University (ANGRAU). The following are the estimates for the above two works after making L.S. provisions towards hire charges, P.S.charges and contingencies and unforeseen items of work:*

1. *Providing cement concrete road from entrance Road to office building at ARS.Vinizanagaram Rs.4,92,500/-*
2. *Formation of internal roads to Fields at ARS.Vizianagaram Rs.4,92,158/-*

> *I submit that, the contention of the petitioner that the Tender notice has to be issued after receipt of the funds from the 5th respondent vide Proc.Dt.29.10.2004, the 2nd respondent can go ahead with inviting tenders. However, the agreement will be made after the funds are received. In this connection, I submit that the 1st respondent has already received funds from the 5th respondent vide DD. Bearing No.060972 dt.16.12.2004 for Rs.10.00 lakhs pertaining to above two works, at the rate of Rs.5.00 lakhs each."*

Heard the learned counsel for the petitioner and the learned counsel appearing for respondent Nos. 1 to 4 and also the learned Government Pleader for Revenue, appearing for 5th respondent.

The grievance of the petitioner is that the estimates of the works have been purposefully brought down below Rs.5,00,000/- so as to avoid publishing tenders in newspapers. He further submits that tender notification has not been published in

the area where the works are to be carried out and therefore, entrustment of work basing on the tender notice dated 07.12.2004 is required to be cancelled.

The learned Standing Counsel appearing for respondent Nos. 1 to 4 submits that the estimates have been prepared taking into account the provisions of the Andhra Pradesh Public Works Department Code. He refers to the relevant provisions in the Andhra Pradesh Public Works Department Code. As per the provisions of the said Code, tender notification in newspapers is required in case of monetary limit is Rs.5,00,000/- or more. He also refers to the detailed abstract/estimates submitted by the Deputy Executive Engineer, Engineering Sub-Division, Agricultural College, NAIRA, Sreekakulam District. As per the estimates, the value of both the works is less than Rs.5,00,000/- lakhs each.

It is no more in dispute that if the value of the work is less than Rs.5,00,000/-, tender notice is not required to be published in newspapers. Another contention advanced by the learned counsel appearing for the petitioner is that tender notice dated 07.12.2004 is not affixed at the office, Vizianagaram. Therefore, entrustment of work basing on the tender notice is not legal and proper. In support of his submission, he took me to the date appearing on the tender notice, which indicates that Senior Scientist & Head, ARS., Vizianagaram, received the copy of the tender notice, dated 22.12.2004. When the tender notification is not required to be published in newspapers, I do not see any substance in the contention of the learned counsel for the petitioner.

In the result, I find that the writ petition is devoid of merits and it is accordingly dismissed. No costs.

B.SESHASAYANA REDDY J.,

Dt.01.09.2005

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